

at home.

105.54

Personal Victory Rather Than Strict Justice

In the newspaper discussions that have followed the verdict in the Hall-Mills murder trial at Somerville one point has very generally escaped attention. It is the manner in which criminal proceedings are usually conducted. When a prosecuting attorney looks upon a case as his own affair; when he counts his personal triumph as of more importance than the rendering of a verdict based upon precise fact, he prostitutes justice and becomes a menace to a community.

Justice is always portrayed with a bandage over her eyes and holding a scale evenly balanced. She is blind to everything that is not truth. That is what courts and juries are for—to find the facts and render decisions and pronounce sentences justly. It is not the province of a court or a district attorney to bring about convictions for the mere sake of convicting. A defendant is presumed to be given complete opportunity to clear himself of the charges. He is, or should be, confronted with whatever proofs of guilt exist. But they should be proofs, not a lot of theories crowded with inuendoes. A public prosecutor is unfit for his position when he refuses to recognize that the law does not cry for the blood of a prisoner; when he demands a verdict of guilty for his own glorification regardless of whether or not it is justified.

The Hall-Mills trial seems to have furnished an example of this sort. The prosecuting attorney's attitude from beginning to end was that of a man giving every evidence of a determination to win at all hazards. He started with the midnight arrest of Mrs. Hall in order to serve the purposes of a sensational tabloid journal which had been working with him and was after a "beat." For weeks he tried his case in the newspapers in a most surprising and undignified manner. His methods throughout the trial itself descended to browbeating and sarcasm. He had gone pretty far down the scale when he sought to create the impression that Willie Stevens was of partial mulatto parentage. He may have honestly believed in the righteousness of his cause, but that did not justify him in stooping to every legal trick of which he was capable.

In Canada things are done differently. Let Justice Riddell of the Appellate Division of the Supreme Court tell about it. "The Crown Counselor is there," he says, "to bring out the facts for as well as against the defendant. He never urges a conviction. Should he press unduly for that he would call down a severe rebuke from the presiding judge. Winning his case will not gain him one dollar or make him more important in the community. A trial in Canada is not a game, but a solemn, serious investigation to ascertain whether a crime has been committed against the State. Two-thirds of our criminal cases never go before a jury. Most often the defendant elects to be tried by the judge alone."

In Canada there is orderly procedure with justice the sole object by the prosecution in view. In the United States, after the testimony is in, the opposing counsel resort to the most violent harangues. They seek to sway the jurors by their fierce and vicious denunciations of witnesses. A more unseemly exhibition than that staged at Somerville would be hard to imagine. And thus it will be until public prosecutors desist from magnifying their own importance and regarding the outcome of a trial as a personal victory or a personal defeat.

Canada is offering us a lesson for study which has, we are glad to say, won the consideration of the Crimes Commission of New York.

Anarchy in Art

Dr. Thomas Munro, professor of modern art in the Barnes Foundation, told an audience in this city Sunday that ninety-nine per